

Appl. No. 10/080,999  
Amdt. dated October 13, 2004  
Reply to Office action of August 4, 2004

### REMARKS/ARGUMENTS

The Applicant has received the Office action dated August 4, 2004, in which the Examiner: 1) rejected claims 1, 2, 5-9, 11, 12, 17, 18, 24-26, 30, 31, 34-36, 40, and 41 under 35 U.S.C. § 103(a)<sup>1</sup> as being unpatentable over *Fukuoka* (U.S. Patent No. 6,300,976, hereinafter "*Fukuoka*") in view of *Harris* (U.S. Patent No. 6,738,643, hereinafter "*Harris*"); 2) rejected claims 3, 4, 29, and 39 under 35 U.S.C. § 103(a) as unpatentable over *Fukuoka* in view of *Harris*, in further view of *Reele et al.* (U.S. Patent No. 5,893,037, hereinafter "*Reele*"); 3) rejected claims 10, 16, 22, 23, 28, 32, 33, and 38 under 35 U.S.C. § 102(e) as being anticipated by *Fukuoka*; and 4) rejected claims 13-15, 19-21, 27, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Fukuoka* in view of *Whitman* (U.S. Patent No. 6,526,351, hereinafter "*Whitman*").

With this Response, the Applicant has withdrawn claims 3, 4, 10-31, 37, and 39. Therefore, claims 1, 2, 5-9, 32-36, 38, 40, and 41 remain pending.

#### I. **WITHDRAWN CLAIMS**

Claims 10-31, 37, and 39 have been withdrawn from consideration in the instant application. This withdrawal, however, in no way concedes to the merits of the Examiner's rejections. Rather, this withdrawal is made to consolidate matters before the Examiner and expedite prosecution. In addition, this withdrawal is not intended to be a relinquishment of the subject matter contained in the withdrawn claims, and the Applicant reserves the right to reassert the withdrawn claims, for example, during further prosecution of the instant application or in a continuation application.

#### II. **REJECTIONS UNDER 35 U.S.C. § 102(E) IN VIEW OF FUKUOKA**

The Examiner rejected independent claim 32 under § 102(e) as allegedly anticipated by *Fukuoka*. The Applicant respectfully traverses because *Fukuoka*

<sup>1</sup> The Office Action appears to be contradictory with regard to the specific rejection of claims 24-26 and 34-36. On page 6 of the Office Action, claims 22-26 and 32-36 are rejected as allegedly anticipated under § 102(e) by *Fukuoka*. On page 8 of the Office Action, however, the Examiner admits that with regard to claims 24-26 and 34-36, *Fukuoka* does not teach all of the claim elements but that *Harris* teaches the missing claim elements. Accordingly, the Applicants will treat the rejection of claims 24-26 and 34-36 as rejections under § 103(a).

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falls to teach or suggest all of the claim elements. For example, Independent claim 32 recites (emphasis added): "acquiring an image with a portable electronic device [and] transmitting said image to an intermediate electronic device using wireless communications ... ." The Applicant respectfully submits that *Fukuoka* does not teach or suggest that the communication between the portable electronic device (a camera 30 in *Fukuoka*) and intermediate electronic device (a cell phone 32 in *Fukuoka*) is wireless. In fact, every indication from *Fukuoka* is that the communication line 24 between the camera and the cell phone 32 is wired. See e.g., Col. 2, ll. 57-60; Col. 7, ll. 12-15. For at least this reason, claim 32, as well as dependent claims 33-41, are not anticipated by *Fukuoka*.

### **III. REJECTIONS UNDER 35 U.S.C. § 103(A)**

The Examiner rejected claims 1, 2, 5-9, 34-36, 40, and 41 under § 103(a) as allegedly obvious over *Fukuoka* in view of *Harris*. The Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness because the references when combined do not teach or suggest all of the claim elements. For example, claim 1 recites (emphasis added) "a transceiver ... capable of wireless communications ... wherein said transceiver wirelessly transmits said image to a remote storage device through an intermediate electronic device." As mentioned above with regard to the § 102 rejections, *Fukuoka* fails to teach or suggest wirelessly coupling the camera (portable electronic device) to a cell phone (intermediate device). *Harris* is also deficient in this regard. Figure 4 of *Harris* clearly shows the camera 450 physically coupled to PDA 400. Accordingly, the Examiner has failed to establish a prima facie case of obviousness with regard to the pending claims.

### **IV. CONCLUSION**

The Applicant respectfully requests reconsideration and allowance of the pending claims. If the Examiner feels that a telephone conference would expedite the resolution of this case, he/she is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, the Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a

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particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event that additional extensions of time are necessary to allow consideration of this paper, however, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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